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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,957	11/01/2001	Sean Carroll	21819.00138	4456

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EXAMINER

ROBINSON, DANIEL LEON

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,957

Applicant(s)

CARROLL ET AL.

Examiner

Daniel I. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidlund in view of Thompson(U.S.Pat.5,820,591). Vidlund does not show rings of different thickness, two plurality of rings a flat shim and two connecting structures for the two plurality of rings. Thompson discloses an assembly for creating compound curves in distal catheter regions that shows two plurality of rings each with a connecting structure and rings of different thickness. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use the different thickness rings as taught by Thompson with the catheter support structure of Vidlund because one portion of the plurality of rings may surround another portion of a plurality of rings. The flat shims are used to connect to an actuator.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vidlund in view of Thompson as applied to claims 1-25 and 28 above, and further in view of Imran et al.(U.S.Pat.5,656,029). Vidlund in view of Thompson does not show a braided sleeve. Imran discloses a steerable catheter with adjustable bend location and/or radius method that shows using a braided sleeve. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use a braided sleeve as taught by Imran to flexibly retain an elongate member.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vidlund in view of Thompson as applied to claims 1-25 and 28 above, and further in view of Ponzi et al.(U.S.Pat.6,402,719). Vidlund in view of Thompson does not show a non-compressible coil. Ponzi discloses a steerable direct myocardial revascularization catheter that shows a non-compressible coil. It would have been obvious to one of ordinary skill in the art to use a non-compressible coil as taught by Ponzi to prevent the compression of a spacer.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kenda, Patterson, Kruger and Sleiman are cited to show structure similar to the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Robinson whose telephone number is 703 306-9043. The examiner can normally be reached on M-F 5:30am-2:30pm.

The fax phone numbers for the organization where this application or proceeding is assigned are 305-3463 for regular communications and 305-3463 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0861.

dlr

DANIEL ROBINSON
PATENT EXAMINER
